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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/491,121
Filing Date: January 24, 2000
Appellant(s): KOVACEVIC ET AL.

MAILED

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Technology Center 2600

Ryan S. Davidson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/13/05 appealing from the Office action mailed 7/13/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the Examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A.   Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoogenboom et al (5,517,250).in view of Ort (6,043,828).

Regarding claim 16-19, Hoogenboom et al discloses a method of parsing a data packet, comprising the steps of:

providing a start indicator (Fig. 2a, PES HDR) to a first hardware parser (Fig. 1, 32), the start indicator indicating a first block of the data packet, and a data packet having a predetermined number of data blocks (PES PAYLOAD);

analyzing at the first parser at least a portion of the first N data blocks after the start of the data packet to determined a data type of a subsequent data block of the data packet (col. 10, lines 6-27); and

enabling a second hardware parser (Fig. 1, 40), physically separate from the first parser, to receive the subsequent data block when the data type is a first data type.

Hoogenboom et al does not specifically disclose a third parser to receive the subsequent data block when the data type is a second data type.

However, Ort teaches a method of parsing a data packet, comprising a parser (Fig. 4, 400) to receive the subsequent data block when the data type is a first data type and another parser (410) to receive the subsequent data block when the data type is a second data type.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing the method of parsing a data packet as taught by Hoogenboom et al to incorporate the two parsers comprising two data types as taught by the Ort as an efficient way to parse the video (first) data and the audio or adaptation field (second) data types.

B.   Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoogenboom et al (5,517,250).

Regarding claim 22, Hoogenboom et al discloses a system for storing packetized data, the system comprising:

a means (Fig. 1, 20) for receiving a transmitted data packet;

a transport parser means (32) for analyzing a header of the data packet before a payload header is received (col. 9, lines 23-38); and

a second parser means (40) physically separate from the first parser means for analyzing the payload.

Regarding claims 23-24, Hoogenboom et al discloses the first/second parser analyzing the header/payload header before a second byte of payload header/data is received, respectively (col. 9, lines 23-38).

(10) Response to Argument

Appellant's arguments filed on 10/13/05 in the appeal brief have been fully considered but they are not persuasive. The Appellants present arguments contending the Examiner's rejections of:

Claims 16-19 being rejected under 35 U.S.C. 103(a) as being unpatentable over Hoogenboom et al (5,517,250) in view of Ort (6,043,828); and

Claims 22-24 being rejected under 35 U.S.C. 102(b) as being anticipated by Hoogenboom et al (5,517,250).

However, after careful consideration of the arguments presented, the Examiner must respectively disagree for the reasons that follow and submit to the board that the rejection be sustained.

I)   The Appellants present arguments that the Hoogenboom reference fails to disclose:

i) a parser means for <u>analyzing a header of the data packet before a payload header is received</u>, as recited by claim 22 (Applicant: page 6);

ii) a second parser means <u>physically separate from the first parser means</u> as recited by claim 22 (Applicant: page 8); and

iii) analyzing at least a portion of a first N data blocks of a data packet to determine a data type of a subsequent data block of the data packet as recited by claim

16 (Applicant: page 10), and therefore claims 16-19 are non-obvious in view of the Hoogenboom and Ort references (Applicant: page 12).

However, after careful scrutiny of the Hoogenboom reference, the Examiner must respectively disagree, and maintain the grounds of rejection for the reasons that follow.

In response to argument i), in contrast to Applicant's assertion that Hoogenboom fails to mention header at all, so it necessarily fails to disclose analyzing header, much less analyzing a header of the data packet before a payload header is received (Applicant: page 7), Hoogenboom's reference clearly discloses a (transport) header (Fig. 3, 82), and analyzing a (payload) header (col. 9, lines 23-38), and furthermore analyzing a (transport) header of the data packet before a payload header is received (col. 9, lines 34-38).

In other words, *analyzing a (transport) header* is met by the transport *header(s)* being used to *identify* the payload information and enables the reconstruction of the PES payload data (74) as well as PES header (72) (col. 9, lines 28-31), and upon *detecting* a payload unit start indicator in the transport *header*, the transport syntax parser will know that the first portion of the payload in that transport packet will contain the PES header (col. 9, lines 34-37). Therefore, *analyzing (transport) header* aspect of the claimed limitation is met by *identifying* and *detecting (transport) header* as discussed above.

Furthermore, *analyzing* a (transport) header of the data packet before a payload header is received is met by upon *detecting* a payload unit start indicator in the transport *header*, the transport syntax parser will know that the first portion of the payload in that transport packet will contain the PES header (col. 9, lines 34-37). In other words, since the transport syntax parser (parser means)(Fig. 1, 32) has to detect a payload unit start indicator in the transport header *initially* to determine that the first portion of the payload in that transport packet will contain the PES (payload) header, the payload header *could not* have been received before *analysis* of a (transport) header of the data packet.

In response to argument **ii)**, in contrast to Applicant's assertion that Hoogenboom's Fig. 1 (block diagram), elements 32 and 40 are not physically separate (Applicant: page 8), the elements 32 (Transport Parser) and 40 (Video Parser) are clearly shown as being physically separate from each other on Fig. 1. Likewise, Applicant's present invention in block diagram form (Applicant: Fig. 5, page 3) clearly shows elements 420 (Transport Parser) and 430 (PES Parser) as being physically separate from each other, which have substantially the same layout in terms of being physically separate from each other as the Hoogenboom's Fig. 1 (block diagram), elements 32 and 40.

In response to argument **iii)**, Hoogenboom et al clearly discloses *analyzing* (at the parser) at least a portion of a first N data blocks of a data packet to determine a data type of a subsequent data block of the data packet (col. 10, lines 6-27) as recited by claim 16.

More specifically, Hoogenboom et al discloses the sequence header being part of the video syntax carried in the PES payload and indicates that a new sequence of video information **[Pictures: (conventionally, <u>picture(s)</u> layer in a compressed bitstream (video) comprises one *picture header* and a plurality of slices, which comprises macroblocks, which comprises <u>blocks</u>)]** follows, and the sequence header *identifies* (analyzes) parameters of the *picture* so that DRAM can properly map to store <u>data</u> for decompression of compressed video (col. 10, lines 8-16), and upon initialization of the memory map, the parser looks for the *picture header* in order to commence decompression of the video data (col. 10, lines 22-27).

In other words, *analyzing* at least a portion of a first N data <u>blocks</u> of a data packet for *determining a data type of a subsequent data block* of the data packet is met by the sequence header (a part of a data packet) *identifying* (analyzing) parameters of the *picture* **[Pictures: (conventionally, <u>pictures</u> layer in a compressed bitstream (video) comprises one *picture header* and a plurality of slices, which comprises macroblocks, which comprises <u>blocks</u>)]**, and the sequence header indicating (*determining*) that a new sequence (*a data type of a subsequent*) of video information (*data block*), and

the parser looking for the *picture header* in order to commence decompression of the video data as discussed directly above.

Therefore, for at least the reasons as discussed immediately above, the claims 16-19 are considered obvious in view of the Hoogenboom and Ort references.

For all of the reasons as set forth above, the combination of Hoogenboom et al and Ort references does render claims 16-19 as being as being unpatentable under 35 U.S.C. 103(a).

For all of the reasons as discussed above, it is believed that the rejection should be sustained.

Respectively Submitted:

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